

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DANIEL B. MERCHANT,

Plaintiff,

v.

Case No. 21-cv-1422-pp

KILOLO KIJAKAZI,

Defendant.

**ORDER REQUIRING PLAINTIFF TO FILE AMENDED MOTION FOR LEAVE
TO PROCEED WITHOUT PREPAYING THE FILING FEE**

The plaintiff has filed a complaint seeking judicial review of a final administrative decision denying his claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. He also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 3.

To allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

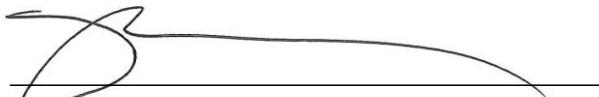
The plaintiff's request does not provide enough facts for the court to determine whether he can pay the filing fee. The affidavit indicates that the plaintiff is not employed, he is not married, and he has no dependents he is responsible for supporting. Dkt. No. 3 at 1. The only source of income the plaintiff lists is \$200 per month from food stamps, id. at 2, and he lists no expenses at all, id. at 2-3. The court is perplexed as to how the plaintiff is

living. He shows no rent or mortgage payment, he does not own a car or his home, he has no other property of value or cash on hand or in a checking or savings account. Id. at 2-4. Perhaps the plaintiff lives with family or friends free of charge, perhaps those family or friends also provide for his needs, but there is nothing in the request telling the court whether that's the case or who supports the plaintiff. The court will ask the plaintiff to file an amended request to proceed without prepaying the filing fee. The plaintiff is represented by counsel, who should assist him in filling out the amended request clarifying his living situation.

The court **ORDERS** that the plaintiff must file an amended request to proceed without prepaying the filing fee by the end of the day on **January 6, 2022**. If the plaintiff does not provide a new request in time for the court to receive it by the deadline, the court will deny his application to proceed without prepaying the filing fee and will require him to pay the full \$402 filing fee by a date certain.

Dated in Milwaukee, Wisconsin this 16th day of December, 2021.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge